



Notice of Adverse Action and Fair Hearing Rights

A fair hearing is your opportunity to have your Medicaid case reviewed by an administrative law judge if you disagree with action taken that denies, reduces, suspends, or ends your benefits. A fair hearing can be requested for any service you receive through Senior and Disabilities Services (SDS).

You may request a fair hearing when your application for Medicaid services is denied or not acted upon within a reasonable amount of time, or when SDS notifies you that your benefits have been suspended, terminated, or reduced (7 AAC 49.020).

Notice of Adverse Action. You will receive a written notice at least 10 days before the date of an intended adverse action by SDS to deny, suspend, reduce or terminate Medicaid services (7 AAC 49.060). The notice will state the reasons for the proposed adverse action, including the statute, regulation or policy on which it is based, and will provide information about your right to a hearing and how to request one. (7 AAC 49.070).

Request for Hearing. You or your representative must request a fair hearing in writing within 30 of the date of the SDS Notice of Adverse Action (7 AAC 49.030). You may request a hearing via mail, facsimile, or email.

Mailing Address	Facsimile	Email
Fair Hearing Representative Xerox PO Box 240808 Anchorage AK 99524	Xerox Attention: Fair Hearings 907-644-8126	<u>FairHearings@xerox.com</u>

Your request for a hearing will be forwarded to the Department of Administration, Office of Administrative Hearings (OAH). Within 10 days of receiving your request, OAH will schedule the hearing and send you a notification of the date, time, and place. (7 AAC 49.080).

Right to Assistance. At the hearing, you may either represent yourself, or use legal counsel, a relative, a friend, or other spokesperson (7 AAC 49.120). If requested, SDS will help you submit a fair hearing request. Free legal representation may be available through Alaska Legal Services at 888-478-2572 (toll-free outside Anchorage) or 272-9431 (in Anchorage). Prior to the hearing, you will be provided a complete copy of all the documents that SDS relied upon in coming to the decision regarding your case. You will also have the right to review your file at a reasonable time prior to the hearing.

Fair Hearing. An administrative law judge will hold the hearing on behalf of the Commissioner of the Department of Health and Social Services (DHSS) who will make the final decision on your case. No later than 90 days after your hearing request was received by OHA, DHSS will send you a written decision; it will set out the basis for the Commissioner's decision and contain a statement regarding your right to seek judicial review under Alaska Appellate Rule 602 (7 AAC 49.150).